

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON FISH, WILDLIFE AND PARKS**

**Call to Order:** By Chairman Mike Milburn, on April 3, 2007 at 3:00 P.M., in Room 303, the Old Supreme Court Chambers, Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Mike Milburn, Chairman (R)  
Rep. Robyn Driscoll, Vice Chairman (D)  
Rep. Gordon R. Hendrick, Vice Chairman (R)  
Rep. Debby Barrett (R)  
Rep. Arlene Becker (D)  
Rep. Gary Branae (D)  
Rep. Douglas Cordier (D)  
Rep. Ernie Dutton (R)  
Rep. George G. Groesbeck (D)  
Rep. Edward Hilbert (R)  
Rep. Rick Jore (C)  
Rep. Harry Klock (R)  
Rep. Roger Koopman (R)  
Rep. Ken Peterson (R)  
Rep. Mike Phillips (D)  
Rep. Kendall Van Dyk (D)  
Rep. Chas Vincent (R)  
Rep. John Ward (R)  
Rep. Bill Wilson (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Debra Polhemus, Committee Secretary  
Doug Sternberg, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SJR 3, 3/13/2007; SB 78, 3/7/2007

Executive Action: SJR 18; SB 128; SB 372

**EXECUTIVE ACTION ON SJR 18**

00:07:25 **Motion:** Rep. Hendrick moved that **SJR 18 BE ADOPTED.**

00:07:31 **Vote:** **MOTION CARRIED** 10-9 by roll call vote with Reps. Barrett, Hilbert, Jore, Klock, Koopman, Milburn, Peterson, Vincent, and Ward voting no and Rep. Vincent voting by proxy. Rep. Van Dyk will carry SJR 18.

00:07:36 Rep. Vincent arrived at hearing.

**EXECUTIVE ACTION ON SB 372**

00:09:19 **Motion:** Rep. Ward moved that **SB 372 BE CONCURRED IN.**

**Discussion:**

00:09:32 Rep. Barrett

00:09:51 Rep. Ward

00:10:09 **Vote:** **MOTION CARRIED** unanimously by voice vote. Rep. Milburn will carry SB 372.

**EXECUTIVE ACTION ON SB 128**

00:10:44 **Motion:** Rep. Hendrick moved that **SB 128 BE CONCURRED IN.**

**Discussion:**

00:11:02 Chairman Milburn

00:11:28 **Vote:** **MOTION CARRIED** 17-2 by voice vote with Reps. Jore and Koopman voting no. Rep. Peterson will carry SB 128.

00:12:01 Break

00:29:36 Reconvene

**HEARING ON SJR 3**

**Opening Statement by Sponsor:**

00:29:52 Sen. Dan Weinberg (D), SD 2, opened the hearing on SJR 3, Urge funding for restoration of parks, battlefields, and monuments.

**Proponents' Testimony:**

00:34:54 Sandy Pew, Rancher, Belgrade, Chair of the Northern Rockies National Park Conservation Association and Chair, Glacier National Park  
00:38:34 William Hammerquist, speaking for Governor Schweitzer and Lt. Governor Bohlinger

**EXHIBIT (fih71a01)**

00:39:16 Carl Schweitzer, representing Bozeman and Kalispell Chamber of Commerce  
00:39:55 Peter Frank, young Glacier Park enthusiast  
00:40:36 Aiden Mhyre, self  
00:41:40 Jane Ratzlaff, Executive Director, Glacier National Park Fund  
00:42:46 Fred Sterhan, Marina Cay Co-Owner, also speaking for Montana Innkeepers Association  
00:43:16 Jan Metzmaker, Director, Whitefish Convention and Visitors Bureau  
00:44:09 Jim Hollenback, President, Glacier County Regional Tourism Commission

**EXHIBIT (fih71a02)**

00:44:36 Mike Scholz, Bozeman/Big Sky, Governor's Tourism Advisory Council  
00:45:05 Amy MacNamera, Greater Yellowstone Commission  
00:45:42 Robin Hoover, Executive Director, Yellowstone Tourism  
00:45:57 May Sue Costello, West Yellowstone County  
00:46:09 Molly Immen, representing Montana Audubon  
00:46:22 Rhonda Fitzgerald, Whitefish small business owner  
00:46:41 Ed Bartlett, representing Travel Industry Association of Montana

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:47:06 Rep. Barrett  
00:47:49 Sen Dan Weinberg  
00:48:01 Rep. Barrett  
00:48:54 Rep. Jore

**Closing by Sponsor:**

00:49:55 Sen. Dan Weinberg

**HEARING ON SB 78**

**Opening Statement by Sponsor:**

00:51:14 Sen. Lane Larson (D), SD 22, opened the hearing on SB 78, Clarify stream access from bridges.

**Proponents' Testimony:**

00:54:52 Mark Aagenes, also speaking for many Montana anglers

00:58:41 Robert Throssell, representing Montana Wildlife Federation

[EXHIBIT\(fih71a03\)](#)

[EXHIBIT\(fih71a04\)](#)

[EXHIBIT\(fih71a05\)](#)

01:01:07 Jeff Hagener, Director, Fish, Wildlife & Parks

[EXHIBIT\(fih71a06\)](#)

01:04:46 Jim Goetz, Attorney, Bozeman, previously represented Coalition for Stream Access

01:06:48 Sen. Jim Shockley, SD 45

01:09:42 John Ostlund, Yellowstone County Commissioners speaking for all Yellowstone County Commissioners

01:10:53 Ed Tinsley, Lewis & Clark County Commissioner

01:12:21 Bob Gilbert, Executive Director, Walleyes Unlimited of Montana

01:13:08 Robin Cunningham, fishing outfitter

01:13:43 Chris Marchion, representing Montana Wildlife Federation as Volunteer President

01:16:30 Hugo Tureck, Coffee Creek rancher

[EXHIBIT\(fih71a07\)](#)

01:17:53 John Gibson, representing Billings Rod and Gun Club

01:20:37 Mr. Holderf, Butte Sportsman Association

[EXHIBIT\(fih71a08\)](#)

01:21:09 Harold Blattie, Executive Director, Montana Association of Counties (MACo)

01:21:14 Tony Schoonen, Director, Public Lands/Water Access Association, Inc.

[EXHIBIT\(fih71a09\)](#)

01:21:28 Steve Luebeck, Trout Unlimited, Butte

01:21:41 Pat Munday, self

01:22:10 Chad Okrusch, self

01:22:36 Josh Vincent, business owner, Butte

01:22:52 Paul Richards, Montana Wildlands Alliance

01:23:11 Stan Frasier, Helena Hunters and Anglers Association

[EXHIBIT\(fih71a10\)](#)

**Proponents' Testimony: (Con't)**

01:23:24 Molly Immen, Montana Audubon  
01:23:34 Paul Roos, former outfitter, Blackfoot  
01:23:46 Matt Vincent, self, Butte  
01:24:07 Pat Straub, self  
01:24:28 Joe Gutkoski, President, Montana River Action  
01:24:49 W. Robert Korizek

**EXHIBIT(fih71a11)**

01:25:01 Tom Bugni, Co-Founder, Coalition of Stream Access,  
President, Skyline Sportsman Association, Butte  
01:25:30 Jim Bjornemo, self  
01:25:47 Charlotte Trolinger, Boulder

**Opponents' Testimony:**

01:26:35 John Bloomquist, representing Montana Stock Growers  
Association  
01:37:34 George Trischman, Madison and Beaverhead Rancher

**EXHIBIT(fih71a12)**

01:42:03 Steve Wilcox, Rancher, Ruby River  
01:44:34 Fred Finke, Big Sandy Rancher  
01:47:04 Bill Garrison, Rancher from Madison Silverbow County  
01:50:47 Ken Higit, Cascade area Rancher  
01:52:13 Bob Butler, Twin Bridges  
01:52:22 John Youngbird, Montana Farm Bureau  
01:52:31 Mike Murphy, Montana Water Resources Association  
01:52:43 Pat Torgerson, representing Women Involved in Farm  
Economics  
01:52:56 Lance Lovell, Billings Attorney  
01:53:08 Jay Sprott, Billings

**EXHIBIT(fih71a13)**

01:53:23 Karla Johnson, representing Montana Cattlewomen  
01:53:33 Jason Olson  
01:53:38 Jay Bodner, representing Public Lands Council  
01:53:57 Gene Curry, Rancher  
01:54:05 Randy Lowder, Twin Bridges  
01:54:16 Jeremy Miller, Ruby River Rancher  
01:54:28 Meghann Miller, Miller Cattle Company  
01:54:42 John Bloomquist

**EXHIBIT(fih71a14)**

**EXHIBIT(fih71a15)**

**EXHIBIT(fih71a16)**

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:55:44 Rep. Ward  
01:56:13 Sen. Larson  
01:57:22 Rep. Ward  
01:58:42 Sen. Shockley  
01:59:12 Rep. Groesbeck  
01:59:38 Jim Goetz  
02:00:26 Rep. Groesbeck  
02:00:39 Jim Goetz  
02:02:48 Rep. Groesbeck  
02:03:45 John Bloomquist  
02:06:49 Rep. Barrett  
02:07:31 John Bloomquist  
02:10:31 Rep. Vincent  
02:11:35 John Bloomquist  
02:12:40 Rep. Phillips  
02:13:16 Jeff Hagener  
02:15:36 Rep. Phillips  
02:16:30 Rep. Driscoll  
02:17:03 John Bloomquist  
02:18:14 Rep. Driscoll  
02:18:22 Sen. Larson  
02:19:29 Rep. Dutton  
02:20:30 Sen. Larson  
02:20:58 Bob Lane, Chief Legal Council, Fish, Wildlife & Parks  
02:22:29 Rep. Dutton  
02:23:16 Bob Lane  
02:24:25 Rep. Koopman  
02:25:43 Lance Lovell  
02:31:35 Rep. Koopman  
02:33:22 Lance Lovell  
02:34:49 Rep. Van Dyk  
02:35:25 Harold Blattie  
02:37:09 Rep. Van Dyk  
02:37:52 Sen. Larson  
02:38:40 Rep. Peterson  
02:39:01 John Ostlund  
02:40:05 Rep. Peterson  
02:40:25 John Ostlund  
02:42:04 Rep. Peterson  
02:42:36 Jim Goetz  
02:44:26 Chairman Milburn  
02:45:12 John Bloomquist  
02:49:58 Chairman Milburn  
02:50:25 John Youngbird  
02:51:24 Chairman Milburn  
02:51:35 Mark Aagenes  
02:55:07 Chairman Milburn  
02:55:46 Sen. Larson

**Closing by Sponsor:**

02:57:55 Sen. Lane Larson

03:05:36 Break

03:36:14 Reconvene

**EXECUTIVE ACTION ON SB 78**

03:36:53 **Motion:** Rep. Hendrick moved that **SB 78 BE CONCURRED IN.**

03:37:02 **Motion:** Rep. Vincent moved that **SB 78 BE AMENDED.**  
**EXHIBIT**(fih71a17)

**Discussion:**

03:37:31 Doug Sternberg, Legislative Services Division

03:48:46 Rep. Phillips

03:49:40 Doug Sternberg

03:50:04 Chairman Milburn

03:51:17 Rep. Phillips

03:51:29 Chairman Milburn

03:51:40 Rep. Phillips

03:52:11 Chairman Milburn

03:53:19 Doug Sternberg

03:54:08 Rep. Phillips

03:54:45 Rep. Van Dyk

03:55:12 Rep. Vincent

03:56:28 Rep. Van Dyk

03:56:42 Rep. Vincent

03:56:48 Rep. Van Dyk

03:58:50 Rep. Vincent

03:59:13 Rep. Peterson

04:00:53 Rep. Vincent

04:01:31 Doug Sternberg

04:03:32 Rep. Peterson

04:03:49 Chairman Milburn

04:04:11 Rep. Peterson

04:04:48 **Substitute Motion:** Rep. Jore made a substitute motion that portion #4 and #23 of the **AMENDMENT BE SEGREGATED.**

**Discussion:**

04:05:16 Rep. Jore

04:06:10 Rep. Becker

04:06:41 Rep. Peterson

**Discussion: (Con't)**

04:07:09 Doug Sternberg  
04:08:39 Rep. Vincent  
04:08:57 Chairman Milburn  
04:11:26 Rep. Phillips  
04:12:20 Doug Sternberg

04:13:42 **Amendment to Substitution Motion:** Rep. Jore moved to add portion #9 to his previous motion. Without objection, the committee accepted this amendment.

04:14:09 **Vote:** **MOTION FAILED** 5-14 by roll call vote with Reps. Groesbeck, Hilbert, Jore, Koopman, and Van Dyk voting aye and Rep. Hendrick voting by proxy.

**Discussion:**

04:15:17 Rep. Phillips  
04:15:40 Rep. Vincent  
04:15:52 Doug Sternberg  
04:17:39 Rep. Phillips  
04:17:47 Doug Sternberg  
04:17:55 Rep. Becker  
04:19:07 Doug Sternberg

04:19:36 Rep. Hendrick returned to hearing.

04:21:09 Rep. Becker  
04:21:56 Rep. Driscoll  
04:22:21 Rep. Vincent  
04:22:37 Rep. Driscoll  
04:23:12 Rep. Vincent  
04:24:20 Rep. Ward  
04:25:07 Rep. Driscoll  
04:25:21 Chairman Milburn

04:27:49 **Motion:** Rep. Peterson moved that **SB 78 BE AMENDED WITH A CONCEPTUAL AMENDMENT.**

**Discussion:**

04:28:55 Rep. Groesbeck  
04:32:50 Rep. Dutton

04:34:08 **Vote:** **MOTION CARRIED** 11-8 by roll call vote with Reps. Becker, Branae, Cordier, Driscoll, Groesbeck, Phillips, Van Dyk, and Wilson voting no.



04:35:30 **Motion:** Rep. Hendrick moved that **HB 78 BE CONCURRED IN AS AMENDED.**

04:35:48 **Motion:** Rep. Dutton moved that **SB 78 BE AMENDED WITH A CONCEPTUAL AMENDMENT.**

**Discussion:**

04:36:09 Rep. Phillips

04:36:55 Doug Sternberg

04:37:43 Rep. Phillips

04:37:51 Doug Sternberg

04:38:37 Rep. Peterson

04:39:22 Doug Sternberg

04:41:39 **Vote:** **MOTION CARRIED** 11-8 by voice vote with Reps. Barrett, Cordier, Jore, Klock, Phillips, Van Dyk, Ward, and Wilson voting no.

04:43:12 **Motion:** Rep. Hendrick moved that **SB 78 BE CONCURRED IN AS AMENDED.**

04:43:21 **Substitute Motion/Vote:** Rep. Van Dyk made a substitute motion that **SB 78 BE TABLED. SUBSTITUTE MOTION CARRIED** 13-6 by roll call vote with Reps. Barrett, Dutton, Koopman, Milburn, Peterson, and Vincent voting no.

**Additional Exhibits:**

All additional exhibits are pertaining to SB 78 which was heard on April 3, 2007

[EXHIBIT\(fih71a18\)](#)

[EXHIBIT\(fih71a19\)](#)

[EXHIBIT\(fih71a20\)](#)

[EXHIBIT\(fih71a21\)](#)

[EXHIBIT\(fih71a22\)](#)

[EXHIBIT\(fih71a23\)](#)

[EXHIBIT\(fih71a24\)](#)

[EXHIBIT\(fih71a25\)](#)

[EXHIBIT\(fih71a26\)](#)

[EXHIBIT\(fih71a27\)](#)

**ADJOURNMENT**

Adjournment: 8:00 P.M.

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REP. MIKE MILBURN, Chairman

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DEBRA POLHEMUS, Secretary

MM/dp

Additional Exhibits:

**EXHIBIT ([fih71aad.pdf](#))**